

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

VILI TAUELANGI,

Plaintiff,

V.

MICHAEL J. ASTRUE, Commissioner
of the Social Security Administration,

Defendant.

CASE NO. 11-cv-05862-BHS-JRC

ORDER TO PROVIDE PROOF OF
SERVICE OR TO SHOW CAUSE
WHY THIS MATTER SHOULD
NOT BE DISMISSED

This matter has been referred to United States Magistrate Judge J. Richard

Creature pursuant to 28 U.S.C. § 636(b)(1) and Local Magistrate Judge Rule MJR

4(a)(4), and as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261.

271-72 (1976).

The Community Health Plan will provide prior approval of non-emergency medical services.

1 Fed. R. Civ. P. 4(m) requires a defendant to be served within 120 days after a
2 complaint is filed. Fed. R. Civ. P. 4(l) requires proof of service to be filed or made to the
3 court. At this time, although the complaint in this matter was filed on October 21, 2011,
4 the record does not show that the complaint has been properly served (see ECF No. 3).

5 Fed. R. Civ. P. 4(i) governs service with respect to complaints against the United
6 States and against United States agencies, officers and employees. See Fed. R. Civ. P.
7 4(i); see also *Villegas v. Astrue*, U.S. Dist. LEXIS 55223 at *1-*2 (C.D. Cal. April 18,
8 2012) (*citing* Fed. R. Civ. P. 41(b)).

9 Fed. R. Civ. P. 4(m) requires the court to provide notice to plaintiff before the
10 matter may be dismissed for lack of prosecution, and Rule 4(i)(4) requires the court to
11 allow a reasonable time for plaintiff to cure a failure to serve multiple entities, if plaintiff
12 has effected service on either the United States attorney or the Attorney General of the
13 United States.

15 Plaintiff is hereby ordered to provide proof of service or show cause why this
16 matter should not be dismissed for lack of prosecution by June 29, 2012. Failure to
17 provide proof of service or show cause may result in a Report and Recommendation to
18 dismiss this action.

19 Dated this 14th day of May, 2012.
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23 J. Richard Creatura
24 United States Magistrate Judge